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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/367,829 08/23/99 KUME

A 1137-788

EXAMINER

TM01/0511

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LEI

ART UNIT

PAPER NUMBER

2684

DATE MAILED:

05/11/01

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/367,829

Applicant(s)

Kume

Examiner

Lana Le

Art Unit

2684



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Aug 23, 1999

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-4, 6, and 7 is/are rejected.

7) ☒ Claim(s) 5 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☒ The proposed drawing correction filed on Aug 23, 1999 is: a) ☒ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Balachandran (US 5,594,943).

Regarding claim 1, Balachandran discloses a radio communication system comprising: a radio unit connected to a transmitter-receiver antenna 550 (fig 5B2); and a control unit 522 (fig. 5B1) which compares either or both of field intensity level and circuit quality measured by the radio unit with thresholds, and gives a handover instruction to the radio unit if the measured field intensity level or the measured circuit quality is lower than the corresponding threshold, and lowers the threshold when a handover operation carried out in response to the handover instruction is unsuccessfully executed (see fig. 20, col 23, lines 30-65, col 25, lines 33-61).

Regarding claim 2, Balachandran discloses the radio communication system according to claim 1, further comprising a selecting unit which selects either a procedure to change conditions

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for handover when a handover operation is unsuccessful, or a procedure to keep conditions for handover unchanged even if a handover operation is unsuccessfully executed (col 26, lines 15-48).

Regarding claim 3, Balachandran discloses the radio communication system according to claim 1, wherein time when the next handover operation can be started is changed according as a handover operation is unsuccessfully performed (col 25, lines 62- col 26, line 13).

Regarding claim 4, Balachandran discloses the radio communication system according to claim 1, wherein either or both of time when the next handover operation can be started and the thresholds to be compared with field intensity level and circuit quality measured by the radio unit are changed when a handover operation is unsuccessfully done (col 25, lines 33 - col 26, line 13).

Regarding claim 6, Balachandran discloses a radio communication system comprising: a radio unit connected to a transmitter-receiver antenna; a control unit which compares either or both of field intensity level and circuit quality measured by the radio unit with thresholds, gives a handover instruction to the radio unit if the measured field intensity level or the measured circuit quality is not higher than the corresponding threshold, and lowers-the threshold when a handover operation carried out in response to the handover instruction is unsuccessfully executed (see fig. 20, col 23, lines 30-65, col 25, lines 33-61); it is obvious and well known in the art that when an operator request a handover to be performed and inherently handover executing means capable of forcibly executing handover regardless of either or both of the field intensity level and the circuit quality in response to the operator's demand.

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Regarding claim 7, Balachandran discloses a radio communication system comprising: a radio unit connected to a transmitter-receiver antenna, a control unit which compares either or both of field intensity level and circuit quality measured by the radio unit with thresholds, gives a handover instruction to the radio unit if the measured field intensity level or the measured circuit quality is not higher than the corresponding threshold, and lowers the threshold if a handover operation carried out in response to the handover instruction is unsuccessful (see fig. 20, col 23, lines 30-65, col 25, lines 33-61); it is obvious and well known in the art that when an operator request a handover to be performed and inherently a handover inhibiting means capable of inhibiting the execution of handover regardless of either or both of the field intensity level and the circuit quality in response to the operator's demand.

### *Allowable Subject Matter*

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Douzono et al (US 5,574,983), Base station device and mobile station device in mobile communication system utilizing the site diversity effect in soft handover state.

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8. Any response to this action should be mailed to:

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or faxed to:

(703) 308-6306 ( for formal communications intended for entry)

or:

(703) 308-6296 ( for informal or draft communications, please label

“PROPOSED” or “DRAFT”

Hand-delivered responses should be brought to the Crystal Park II, 2021 Crystal Drive,  
Arlington VA, Sixth Floor (Receptionist).


Any inquiry concerning this communication or communications from the examiner should  
be directed to Lana Le whose telephone number is (703) 308-5836 and to the supervisory patent  
examiner Daniel Hunter whose telephone number is (703) 308-6732.

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 305-3900.

With Regards,

Lana Le

May 1, 2001

  
DANIEL HUNTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2001